

**AGENDA**  
**BOARD OF ADJUSTMENT**  
*City Commissioner's Room*  
**118 S. Cage Blvd. November 20, 2019 - 6:00 PM**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and city ordinances. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

If during the course of the meeting, the BOARD OF ADJUSTMENT should determine that a closed, or executive session of the BOARD is required, then such closed or executive session or meeting is authorized by Sections 551.071 et seq. of the Texas Government Code. Notice of closed or executive session will be given after the commencement of the meeting covered by this notice.

Should any final action, decision, or vote be required in the opinion of the Commission with regard to any item during the meeting, then such final action, final decision, or final vote shall be made during the open meeting covered by this notice upon the reconvening of the public meeting.

In compliance with Section 551.041 et seq. of the Texas Government Codes, VTCS (Open Meetings Act), notice is given that the Board of Adjustments Commission will meet to consider and act upon the following:

**1. CALL TO ORDER:**

A) Roll call and possible action on the excusing of any absent member.

**2. PUBLIC TESTIMONY:** *(Ordinance No. O-2019-45). A person intending on addressing the governing body may speak at a scheduled meeting of the governing body following registration with the presiding clerk and prior to the scheduled meeting. A registered speaker may speak only on items on the agenda and may not exceed 1.5 minutes when addressing the board regarding an agenda item. A registered speaker may not donate time to another speaker. A sign-in form for public testimony shall be promulgated by the presiding clerk and be made available at the city clerk's office. A person may sign up for public testimony beginning at the time the agenda is posted for the meeting. A person may not sign up later than one hour before the posted meeting is scheduled to begin. No registered speaker may be allowed to speak regarding an item once the public testimony portion of the agenda has ended.*

3. APPROVAL OF MINUTES:

A) Approval of Minutes for August 7, 2019.

4. PUBLIC HEARINGS: *(Ordinance No. O-2019-31): A registered speaker during the public hearing may not exceed 1.5 minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the presiding clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

A) Mario A. Bracamontes is requesting a variance to the City of Pharr Zoning Ordinance, to allow a ten (10) foot front setback as opposed to the required twenty (20) foot front setback in a Single-Family Residential District (R-1). The property is legally described as being all of Lot 2, Country Garden Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1503 West Basil Street.  
**BOA#191066**

5. ANNOUNCEMENTS/OTHER BUSINESS:

6. CLOSED SESSION: *In accordance with Chapter 551 of the Texas Gov't. Code, the Board of Adjustment hereby gives notice that it may meet in a closed (non-public) executive session to discuss the items listed on the public portion of the meeting agenda in accordance with the following below:*

Pursuant to Section 551.071, the Board may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the Board may convene in a closed, non-public meeting to discuss any matters related to **real property and deliberate the purchase, exchange, lease, or value of real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed. (ADMINISTRATION)

Pursuant to Section 551.074, the Board may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed. (ADMINISTRATION)

Pursuant to Section 551.076, the Board may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the Board may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the Board may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

7. RECONVENE: *into Regular Session, and consider action, if necessary on any item(s) discussed in closed session.*

8. ADJOURNMENT:

I, the undersigned authority, do hereby certify that the above notice of said Meeting of the Board of Adjustment of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at [www.pharr-tx.gov](http://www.pharr-tx.gov). This Notice was posted on the 15th day of November 2019 at 12:00 p.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

**WITNESS MY HAND AND SEAL, this 15th day of November 2019.**



  
HILDA PEDRAZA, TRMC, CMC  
CITY CLERK



## AGENDA MEMORANDUM



**BOARD:** Board of Adjustment

**AGENDA ITEM #:** 3.A.

**DATE SUBMITTED:** November 13, 2019

**MEETING DATE:** November 20, 2019

**FROM:** Iris Mata, Secretary

**DEPARTMENT:** Development Services

**DIRECTOR:**

**Agenda Item:** Approval of Minutes for August 7, 2019.

**Classification:** Regular

(\* If closed session, City Attorney must review and approve.)

**Exclude Material from Public Packet?** No

**Reason:**

**Issue:**

**Financial Consideration:**

**Staff Recommendation:**

**Alternatives:**

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### **ROUTING:**

Iris Mata

Created/Initiated - 11/13/2019

Roland Gomez

Approved - 11/13/2019

Melanie Cano

Final Approval - 11/13/2019



Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned Agricultural & Open Space District (AO) to north, east and west and General Business District (C) to the south. The area is generally designated for commercial use in the Land Use Plan. She further reported six (6) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. She stated staff received no response to the letters or the legal notice. Ms. Garcia stated the variance request was for a ground post sign with a size of fifteen hundred (1500) square feet, a height of sixty (60) feet, and a changeable electronic digital message for one hundred (100) percent of the sign area. She stated the current City requirements for an on premise ground pole sign for a non-expressway corridor was a maximum size of three hundred (300) square feet, a height of thirty (30) feet, and a changeable electronic digital message up to thirty (30) percent of the allowable sign area.

Chairman Hector Guerra opened the public hearing and asked if anyone signed up to speak.

Ramiro Gutierrez arrived at 6:03 p.m.

Ramiro Garza, residing at 108 North Jackson, Edinburg, TX, representing the property owner, Joaquin Spamer, stated the proposal was for a digital billboard near the bridge. The purpose of the sign was to promote the businesses on the property, the bridge, or other items of interest for the City. He stated the area is growing and Military Highway acts as an expressway and the overpass is about twenty-seven (27) feet. Mr. Garza stated granting the sixty (60) foot height would allow promotional advertisement to the north, south, east, and west. He stated there is currently a sixty (60) foot sign to the south of the property at a gasoline station.

There being no further discussion Danny Wylie recommended the item be discussed in closed session.

**CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE BOARD OF ADJUSTMENT HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW**

The time being 6:06 p.m., Chairman, Hector Guerra stated the commission would be entering into closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

**RECONVENE:**

The time being 6:28 p.m., Chairman, Hector Guerra, stated the commission would be resuming the open meeting.

- A) **INTERNATIONAL WEIGHT INSPECTIONS SERVICES, LLC., IS REQUESTING A VARIANCE TO THE CITY OF PHARR'S SIGN ORDINANCE. THE APPLICANT IS REQUESTING A VARIANCE FOR THE HEIGHT, SQUARE FOOTAGE AND ALLOWABLE PERCENTAGE OF SIGN AREA ON A CEDVMS GROUND POLE SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 1 - 4, AZIZ NO. 8 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 10500 SOUTH CAGE BOULEVARD. BOA#190647**

There being no discussion Chairman Hector Guerra opened up the item for motion.

Rafael Munguia moved to **approve** the request for a variance of the height, square footage and allowable percentage of sign area on a CEDVMS ground pole sign based on the TxDOT expressway standards. He stated a letter would be sent to the applicant outlining the details. Danny Wylie seconded the motion and when put to a vote, it carried unanimously.

Patricia Rigney, City Attorney, stated the variance was granted based on TxDOT standards and the Board of Adjustment finding a hardship due to the future development of the area which included a corridor.

Chairman, Hector Guerra, stated the Board of Adjustment tried to be fair and maintain continuity and standards.

**ITEM 4. ANNOUNCEMENTS/OTHER BUSINESS**

None.

**ITEM 5. ADJOURNMENT**

There being no further business, Ruben Luna moved to **adjourn**. Danny Wylie second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:31 p.m.

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Danny Wylie, Vice Chairman

ATTEST:

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Rafael Munguia, Secretary

APPROVED: \_\_\_\_\_



## AGENDA MEMORANDUM

**BOARD:** Board of Adjustment

**AGENDA ITEM #:** 4.A.

**DATE SUBMITTED:** November 13, 2019

**MEETING DATE:** November 20, 2019

**FROM:** Iris Mata, Secretary

**DEPARTMENT:** Development Services

**DIRECTOR:** Melanie Cano

**Agenda Item:** Mario A. Bracamontes is requesting a variance to the City of Pharr Zoning Ordinance, to allow a ten (10) foot front setback as opposed to the required twenty (20) foot front setback in a Single-Family Residential District (R-1). The property is legally described as being all of Lot 2, Country Garden Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1503 West Basil Street.  
**BOA#191066**

**Classification:** Regular

(\* If closed session, City Attorney must review and approve.)

**Exclude Material from Public Packet?** No

**Reason:**

**Issue:** Mario A. Bracamontes is requesting a variance to the City of Pharr Zoning Ordinance, to allow a ten (10) foot front setback as opposed to the required twenty (20) foot front setback in a Single-Family Residential District (R-1).

**Financial Consideration:**

**Staff Recommendation:**

**Alternatives:**

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### ROUTING:

Iris Mata

Created/Initiated - 11/13/2019

Roland Gomez

Approved - 11/13/2019

Melanie Cano

Final Approval - 11/13/2019



# Pharr

Development Services



## MEMORANDUM

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**DATE** WEDNESDAY, NOVEMBER 20, 2019

**TO:** BOARD OF ADJUSTMENT

**FROM:** DEVELOPMENT SERVICES

**SUBJECT:** VARIANCE TO THE CITY OF PHARR ZONING ORDINANCE  
FILE NO. BOA#191066

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### GENERAL INFORMATION:

**APPLICANT:** Mario A. Bracamontes is requesting a variance to the City of Pharr Zoning Ordinance to allow a ten-foot (10') front setback as opposed to the required twenty-foot (20') front setback in a Single-Family Residential District (R-1).

**LEGAL DESCRIPTION:** The property is legally described as being all of Lot 2, Country Garden Subdivision, Pharr, Hidalgo County, Texas.

**LOCATION:** The property's physical address is 1503 West Basil Street.

**ZONING:** The property is currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential (R-1) to the north, east and west and General Business District (C) to the south. The area is generally designated for single-family residential use in the Land Use Plan.

**NOTIFICATION OF PUBLIC:** Twenty-four (24) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. Staff received no response to the letters or the legal notice.

**FOR YOUR  
INFORMATION:**

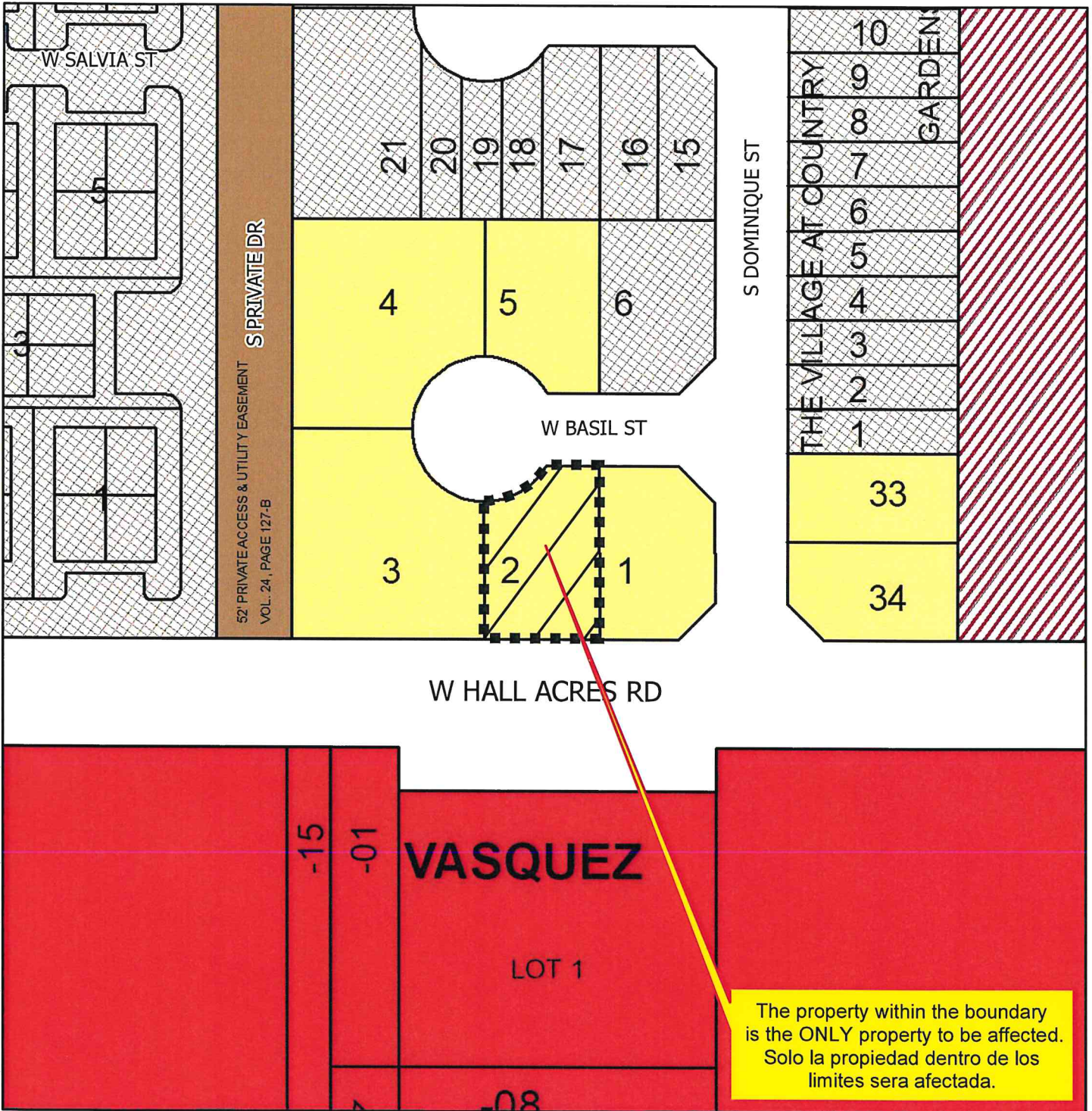
The variance request is for the following:

**Proposed:**

- 1) Applicant is proposing a ten-foot (10') front setback as opposed to the required twenty-foot (20') front setback on the irregular side of the lot that includes the cul-de-sac, all other setbacks will be adhered to and followed in a Single-Family Residential District (R-1).

**City Requirements:**

- 1) As per Country Garden Subdivision Plat Note No. 3: Minimum Setback Lines-Front 20', side abutting street 10', side 5' and rear 15' or to easement line whichever is greater.



G:\City of Pharr\GIS\Projects\1-Planning\Board of Adjustment\BOA Country Garden Lot 2\MXD\BOA Base.mxd

- |                             |                           |                   |                         |                          |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space     | High Density Multi-Family | Government Owned  | Heavy Industrial        | Hidalgo ISD              |
| Single Family               | Mobile Home               | General Business  | Limited Industrial      | Valley View ISD          |
| Single Family Small Lot     | Townhouse                 | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family                  | HUD Code                  | Drainage Easement | Office Professional     |                          |
| Medium Density Multi-Family | Rail Road R.O.W.          | Heavy Commercial  | PSJA ISD                |                          |

Scale: 1 inch = 100 feet





G:\City of Pharr\GIS\Projects\1-Planning\Board of Adjustment\BOA Country Garden Lot 2\MXD\BOA Base.mxd

- |                             |                           |                   |                         |                          |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space     | High Density Multi-Family | Government Owned  | Heavy Industrial        | Hidalgo ISD              |
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| Single Family Small Lot     | Townhouse                 | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family                  | HUD Code                  | Drainage Easement | Office Professional     |                          |
| Medium Density Multi-Family | Rail Road R.O.W.          | Heavy Commercial  | PSJA ISD                |                          |

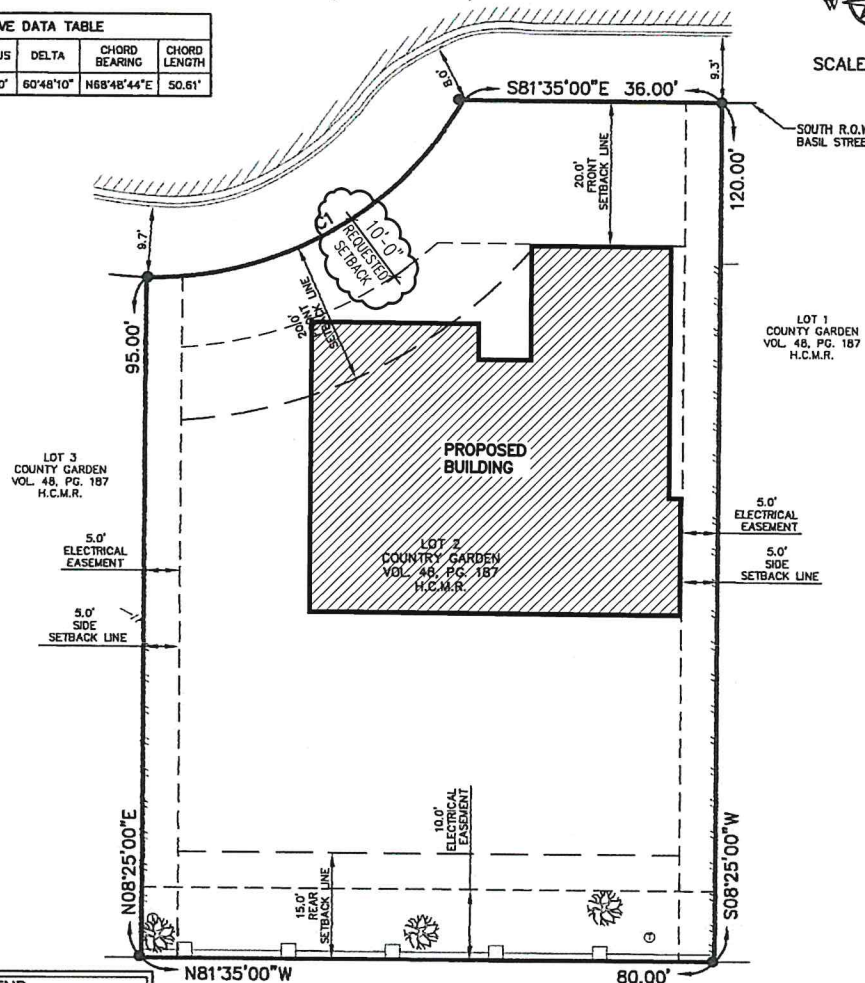
Scale: 1 inch = 100 feet



**BASIL STREET  
(50.0' R.O.W.)**



CURVE DATA TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	53.06'	50.00'	60°48'10"	N68°48'44"E	50.81'



**LEGEND**

- - FND. 1/2" IRON ROD
- ⊕ - TELEPHONE PEDESTAL
- - ELECTRICAL BOX
- 🌳 - TREE
- CMU FENCE LINE
- //— CEDAR FENCE LINE
- ▨ - ASPHALT

H.C.M.R. - HIDALGO COUNTY MAP RECORDS  
H.C.D.R. - HIDALGO COUNTY DEED RECORDS  
O.R.H.C. - OFFICIAL RECORDS OF HIDALGO COUNTY  
R.O.W. - RIGHT OF WAY  
FND. - FOUND

**HALL ACRES ROAD  
(80.0' R.O.W.)**

- SURVEY NOTES:**
1. BASIS OF BEARING: THE NORTH LINE OF LOT 2, COUNTRY GARDEN, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 48, PAGE 187, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
  2. BEARINGS SHOWN ARE BASED ON COUNTRY GARDEN, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 48, PAGE 187, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
  3. ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING RTK GPS METHODS.
  4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS THAT ARE NOT SHOWN.
- THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:**
5. SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL JURISDICTION OF SAID PROPERTY.

**GENERAL NOTES:**  
ADDRESS: 1503 BASIL STREET PHARR, TEXAS 78577  
SURVEYED: SEPTEMBER 17, 2019  
REQUESTED BY: MARIO BRACAMONTES  
OWNER: OSCAR MOLANDO JR. & ALEXIS QUINTANILLA

FLOOD ZONE DESIGNATION: "ZONE B" - AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.  
COMMUNITY-PANEL NUMBER: 48003340425C  
MAP REVISED: NOVEMBER 16, 1982

I, SAMUEL DAVID MALDONADO, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS SURVEY CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY AND MEETS THE MINIMUM SURVEY STANDARDS.

*[Signature]* 9/18/2019



SAMUEL DAVID MALDONADO DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6027

JOB NUMBER	DRAWN BY	RWMD. BY	DATE
SUR 19.420	A.M.	S.O.M.	09/17/2019

**PLAT SHOWING**

ALL OF LOT 2, COUNTRY GARDEN, AN ADDITION TO THE CITY OF PHARR, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 48, PAGE 187, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

**SAMES** SAM Engineering & Surveying  
200 S. 10TH STREET, SUITE 1500 TEL: (361) 702-6660  
MCALLEN, TEXAS 78501 FAX: (361) 702-6663  
SURVEY FIRM REG. No. 101418-00

**BASIL STREET  
(50.0' R.O.W.)**

CURVE DATA TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	53.06'	50.00'	60°48'10"	N68°48'44"E	50.61'



SCALE: 1"=20'

SOUTH R.O.W.  
BASIL STREET

LOT 1  
COUNTY GARDEN  
VOL. 48, PG. 187  
H.C.M.R.

LOT 2  
COUNTY GARDEN  
VOL. 48, PG. 187  
H.C.M.R.

LOT 3  
COUNTY GARDEN  
VOL. 48, PG. 187  
H.C.M.R.

**PROPOSED  
BUILDING**

